REMARKS

INTRODUCTION

In accordance with the foregoing, claims 1-5, 7-11, 13-18, and 20 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-20 are pending and under consideration. Reconsideration is respectfully requested.

REJECTION UNDER 35 U.S.C. §103(a)

In the Office Action at page 2, numbered item 3, claims 1-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,446,109 to Gupta. The reasons for rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Independent claim 1 is directed to a method of delivering resources used in a system where there are a plurality of relay devices between a delivering source device which delivers resources and a terminal device which can access any of the plurality of relay devices and receives the resources, each of the relay devices being respectively settled at a corresponding location. In relevant part, independent claim 1 recites "notifying from the terminal device, which is connected to a first relay device located in a first location, to the delivering source device of information specifying resources to be delivered and a second relay device located in a second location for receiving the resources," "delivering the resources specified by the notification from the delivering source device to the second relay device specified by the notification," and "delivering the resources from the second relay device to the terminal device according to an access from the terminal device, after the terminal device travels from the first location to the second location, after the terminal device travels from the first location to the second location." Thus, according to the present invention, the terminal device can access any relay device, and the terminal device is mobile. Further, the terminal device receives resources from the relay device after the terminal device has traveled from a first location to a second location. Claims 2, 3, 5, 7-11, 13-18, and 20 have been amended to recite similar features.

Page 2 of the outstanding Office Action alleges that "Gupta discloses a method of delivering resources used in a system there [are a] plurality of relay devices (webtop servers) between a delivering source device (application server) which delivers resources and a terminal device (client) which receives the resources." Figures 4 and 6 of Gupta are cited in support of this position. Applicants, however, respectfully disagree and assert that Figures 4 and 6 of

Gupta each illustrate a single webtop server (relay device) in communication with one or more clients (terminal devices).

At pages 2 to 3 of the outstanding Office Action, it is asserted that Gupta at col. 9, line 55 to col. 10, line 2 teaches "notifying from the terminal device, which is connected to a first relay device located in a first location, to the delivering source device of information specifying resources to be delivered and a second relay device located in a second location for receiving the resources." Applicants respectfully disagree and assert that the cited portion of Gupta teaches only that, if the desired resource is available on the webtop server connected to the client, the desired resource will be obtained from the webtop server and, if the desired resource is not available on the webtop server connected to the client, that the desired resource can be requested from the application server, thus minimizing the need to access the application server.

At page 3 of the Office Action, it is alleged that Gupta at col. 9, lines 55-65 teaches "delivering the resources specified by the notification from the delivering source device to the second relay device specified by the notification" and "delivering the resources from the second relay device to the terminal device according to an access from the terminal device" as recited in independent claim 1. Applicants respectfully disagree and assert that the cited portion of Gupta teaches only that requested resources that are available on the webtop server are obtained without accessing the production data center.

Further, at page 3 of the outstanding Office Action, it is acknowledged that "Gupta does not disclose a second relay device located in a second location for receiving and delivering the resources." The Office Action contends that "it would have been obvious to one of ordinary skill in the art to send the data from an application to multiple webtop servers. One of ordinary skill in the art would have been motivated to do this since it would further reduce the number of accesses to the application server."

"The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Applicants respectfully submit, however, that even modifying Gupta to send all requested resources to all webtop servers, in order reduce the number of accesses to the application server, would not teach or suggest all of the features of claims 1, 2, 3, 5, 15, 17, and 20, as discussed above. Specifically, Gupta, whether taken alone or modified as proposed in the Office Action, fails to teach or suggest that "there are a plurality of relay devices between delivering source device which delivers resources and a terminal device which receives the resources," "notifying from the terminal device, which is connected to a first relay device located in a first location, to the

delivering source device of information specifying resources to be delivered and a second relay device located in a second location for receiving the resources," "delivering the resources specified by the notification from the delivering source device to the second relay device specified by the notification," and "delivering the resources from the second relay device to the terminal device according to an access from the terminal device, after the terminal device travels from the first location to the second location." Additionally, Applicants note that, according to the present invention, resources are sent to specify relay devices specified by the terminal device. Thus, according to the present invention, the number of times that the delivering source is accessed may not be reduced in the manner asserted at page 3 of the outstanding Office Action.

For at least these reasons, Applicants respectfully submit claims 1, 2, 3, 5, 15, 17, and 20 patentably distinguish over the prior art and are in condition for allowance.

At page 4, the Office Action asserts that claim 4 is unpatentable over Gupta. Applicants respectfully disagree. Claim 4 depends directly from claim 3 and, as the defects in Gupta discussed above are not remedied in the rejection of claim 4, Applicants suggest that claim 4 patentably distinguish over the prior art for at least the same reasons as independent claim 3.

Further, at page 4, the Office Action asserts that "The system of Gupta modified in claim 3, could be further modified to where when a client moved from one webtop server to another, the cache of the previous webtop server is detected." Additionally, the Office Action suggests that this would have been obvious to one of ordinary skill in the art. "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

Applicants respectfully submit that this suggested modification of Gupta would not have been obvious to one of ordinary skill in the art, especially in view of the modifications of Gupta suggested with respect to claim 3. Specifically, the Office Action suggests modifying Gupta to send requested resources to all webtop servers in order to reduce access to the application sever. If these requested resources are deleted once a client leaves a specific webtop server, the application sever will have to be accessed again if the client returns to a webtop sever. Further, Gupta specifically teaches that the application server retains the requested resources sent to it. Thus, Applicants respectfully submit that the modifications of Gupta suggested with respect to claim 4 are contradictory to the modifications of Gupta relied on in the rejection of claim 3 and the teachings of Gupta itself.

With respect to claim 6, which depends from claim 5 discussed above, Applicants

respectfully submit that the cited portion of Gupta fails to cure the deficiencies noted with respect to claim 5. Accordingly, Applicants respectfully submit that claim 6 patentably distinguishes over the prior art and is in condition for allowance.

With respect to claim 7, which is recited at pages 4-6 of the Office Action, Applicants respectfully submit that Gupta fails to teach or suggest a method of delivering resources used in a system where there are a plurality of relay devices between a delivering source device which delivers resources and a terminal device which receives the resources, as discussed above. Additionally, Gupta fails to teach or suggest "notifying from the terminal device, which is connected to a first relay device in a first location, to the delivering source device of information specifying a second relay device located in a second location for receiving resources from the delivering source device," and "delivering the resources from the second relay device to the terminal device according to an access from the terminal device," as discussed above.

The Examiner relies upon Gupta at col. 9, line 55 to col. 10, line 2 to teach "delivering the resources from the second relay device to the terminal device according to an access from the terminal device," as recited in independent claim 7. Applicants respectfully submit that Gupta fails to teach or suggest delivering resources from the delivering source device to the second relay device specified by the notification when the delivering source device fails to deliver the resources to the terminal device. The Office Action provides no support for the assertion that "The applicant sever would inherently have the ability to determine if it was directly connected to the client" and "If the application server fails to directly connect to and transmit data to the client, it would relay the information to the webtop sever for transmission to the client."

Applicants respectfully submit that none of the modifications of Gupta suggested by the Examiner cure the deficiencies noted in Gupta. Further, "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). For at least these reasons, Applicants respectfully submit that independent claim 7 patentably distinguishes over the prior art and is in condition for allowance.

Claim 8 is rejected at pages 6-7 of the Office Action. Specifically, the Office Action acknowledges that Gupta fails to teach or suggest "delivering the resources to multiple relay devices, or delivering the resources to a second relay device when the delivering fails to deliver the resources to a first relay device." The Office Action, however alleges that it would have been obvious to one of ordinary skill in the art to modify Gupta to have the client specify multiple webtop severs for receiving resources, and to send the resources to the second webtop server when the first webtop server fails to receive the resources. Modifying Gupta, however, to deliver

"resources from the delivering source device to the second relay device, when the delivering source device fails to deliver the resources to the first relay device," as recited in independent claim 8, would be contrary to Gupta, which seeks to minimize the number of times the delivering source (application sever) is accessed. Further, "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). For at least this reason, Applicants respectfully submit that independent claim 8 patentably distinguishes over the prior art and is in condition for allowance.

Claim 9 is rejected at pages 7-8 of the Office Action. At page 7, the Examiner acknowledges that Gupta "does not disclose discarding the resources when they are delivered to the client," but at page 8, the Office Action alleges that it would be obvious to modify Gupta in this fashion. Applicants respectfully disagree and submit that Gupta specifically teaches that copies of the information sent to the local application servers (webtop servers) are retained locally to reduce the number of times that the remote application server is accessed. Further, "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Accordingly, Applicants respectfully submit that modifying Gupta as suggested by the Office Action would render Gupta unsatisfactory for its intended purpose. For at least this reason, Applicants respectfully submit that independent claim 9 patentably distinguishes over the prior art and is in condition for allowance.

At pages 8-9 of the Office Action, claim 10 was rejected for reasons similar to claims 1, 2, 3, 5, 15, 17, and 20. Appliants respectfully submit that Gupta, as modified in the outstanding Office Action, fails to teach or suggest all of the features of independent claim 10 for reasons similar to those presented with respect to claims 1, 2, 3, 5, 15, 17, and 20. Accordingly, Applicants respectfully submit that claim 10 is in condition for allowance.

Independent claim 11 was rejected at pages 9-10 of the Office Action. At page 10, the Office Action acknowledges that Gupta fails to teach or suggest "delivering resources to multiple webtop servers" and suggests that Gupta could be modified to have redundant webtop servers, "wherein if the resources cannot be delivered to a first webtop server, the data is delivered to a second webtop server as specified by the client." "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Even if modified in the manner suggested, Gupta still fails to teach or suggest

"delivering the resources from the first relay device to a second relay device located in a second location," as recited in independent claim 11. For at least this reason, Applicants respectfully submit that independent claim 11 patentably distinguishes over the prior art and is in condition for allowance.

Claims 12, which depends directly from independent claim 1, discussed above, is rejected at page 10 of the Office Action. The Office Action fails to cure the deficiencies of Gupta noted above with respect to independent claim 1. Accordingly, Applicants respectfully submit that dependent claim 12 patentably distinguishes over the prior art for at least the same reasons as independent claim 1.

Independent claim 13 is rejected at pages 10-11 of the outstanding Office Action. Applicants respectfully submit that the Office Action's contention that Gupta could be modified to have redundant webtop servers in different locations is impermissible hindsight. "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). For at least this reason, Applicants respectfully submit that independent claim 13 patentably distinguishes over the prior art and is in condition for allowance.

Independent claim 14 is rejected at page 12 of the outstanding Office Action. The Office Action acknowledges that Gupta fails to teach or suggest "delivering resources to multiple webtop servers in different locations" and suggest modifying Gupta to have "redundant webtop servers, wherein if the resources cannot be delivered to a first webtop server, the data is delivered to a second webtop server as specified by the client." However, "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). For at least this reason, Applicants respectfully submit that independent claim 14 patentably distinguishes over the prior art and is in condition for allowance.

Independent claim 16 is rejected at page 13 of the outstanding Office Action. As discussed above, the Examiner acknowledges that Gupta fails to teach or suggest "delivering resources to multiple webtop servers in different locations" and suggests modifying Gupta to have "redundant webtop servers, wherein if the resources cannot be delivered to a first webtop server, the data is delivered to a second webtop server as specified by the client." In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). For at least this reason, Applicants respectfully submit that independent claim 16 patentably distinguishes over the prior art and is in

condition for allowance.

Independent claim 18 is rejected at page 14 of the outstanding Office Action. As discussed above, the Examiner acknowledges that Gupta fails to teach or suggest "delivering resources to multiple webtop servers in different locations" and suggests modifying Gupta to have "redundant webtop servers, wherein if the resources cannot be delivered to a first webtop sever, the data is delivered to a second webtop server as specified by the client." In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). For at least this reason, Applicants respectfully submit that independent claim 18 patentably distinguishes over the prior art and is in condition for allowance.

Claim 19, which depends from independent claim 18, is rejected at page 15 of the outstanding Office Action. The deficiencies noted above with respect to claim 18, however, are not cured in the rejection of claim 19. Accordingly, Applicants respectfully submit that claim 19 patentably distinguish over the prior art for at least the same reason as independent claim 18, from which claim 19 depends.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If they are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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